

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIMINAL ACTION

v.

KENNETH C. OSBOURNE, JR.

NO. 11-477-01

RESTITUTION ORDER

AND NOW, this 27th day of September, 2013, the Court having sentenced defendant, Kenneth C. Osbourne, Jr., on September 17, 2013, and deferred ruling on restitution pursuant to 18 U.S.C. § 3664(d)(5), because the Government did not have complete restitution data at the time of sentencing, and the Government having thereafter filed and served its Memorandum Regarding Restitution (Document No. 72, filed September 24, 2013) and Supplemental Memorandum Regarding Restitution (Document No. 73, filed September 27, 2013) which provide data sufficient to enable the Court to issue a restitution order, the Court noting that defendant, Kenneth C. Osbourne, Jr., agreed to pay restitution in the total amount of \$224,380.00 in his Plea Agreement, Paragraph 5, and the Court having conducted a hearing on September 27, 2013, pursuant to 18 U.S.C. § 3664(d)(5) for a final determination of the victims' losses for which defendant is criminally responsible, the parties having agreed that the victims' losses for which defendant is criminally responsible total \$224,380.00 as set forth in United States' Memorandum Regarding Restitution, **IT IS ORDERED** as follows:

1. The provisions of the Mandatory Victims Restitution Act, 18 U.S.C. §§ 3663A, *et seq.* are applicable to this case;
2. The parties agree that the restitution imposed by this Order was caused by defendant's criminal conduct for which he was convicted;

3. The Government has met its burden of establishing by a preponderance of the evidence that defendant is criminally responsible for losses sustained to victims in the total amount of \$224,380.00. Each victim and the amount of restitution is as set forth in United States' Memorandum Regarding Restitution (Document No. 72);

4. Defendant shall pay restitution under the provisions of the Mandatory Victims Restitution Act in the total amount of \$224,380.00 to the following victims in the amounts indicated:

TD Bank	\$ 189,300.00
Attn: Patrick Lafferty	
11000 Atrium Way	
Mount Laurel, New Jersey 08054	

HSBC Card Services	\$ 14,298.48
Attn: Fraud Department	
P.O. Box 641	
Buffalo, New York 14240	

Target Corporation	\$ 5,672.25
Attn: Fraud Investigators	
900 West Sproul Road, Suite 102	
Springfield, Pennsylvania 19064	
Re: Case No. INC-238601	

Citigroup	\$ 4,155.97
Citi Security & Investigative Services	
14700 Citicorp Drive	
Building 2	
1 st Floor	
Hagerstown, Maryland 21742	

Chase Card Services	\$ 3,143.09
Attn: Restitution Payments	
P.O. Box 2003	
Elgin, Illinois 60121	

Lowe's Corporation	\$ 2,870.37
Attn: A2ELP – Restitution	
1000 Lowe's Boulevard	
Mooresville, North Carolina 28115	

Nordstrom Bank \$ 2,000.00
P.O. Box 6589
Attn: Restitution
Centennial, Colorado 80155

Macy's Department Store \$ 1,000.00
Macy's Fraud Claims
Attn: Margaret Tejeda
9111 Duke Boulevard
Mason, Ohio 45040

Web Transaction Services \$ 879.13
P.O. Box 163032
Austin, Texas 78716-3032

Comenity Bank	\$ 431.06
Attn: Connie Spencer, Loss Prevention Manager	
220 West Schrock Road	
Westerville, Ohio 43081	

The restitution is due immediately. Interest on the restitution is waived.

Restitution payments shall be made payable to the U.S. Treasury and forwarded to the Clerk of Court, United States District Court for the Eastern District of Pennsylvania, for proportionate distribution to the victims.

The restitution payable to TD Bank in the total amount of \$189,300.00 is joint and several with all other persons convicted of the crimes which gave rise to the restitution order including, but not limited to, Michael Thomas (Criminal No. 10-818), Sheldon Hylton (Criminal No. 11-477-02), Carlton Finney (Criminal No. 11-7-01) and Hakeem Robinson (Criminal No. 10-378-02).

The restitution payable to all other victims – HSBC Card Services, Target Corporation, Citigroup, Chase Card Services, Lowe’s Corporation, Nordstrom Bank, Macy’s Department Store, Web Transaction Services and Comenity Bank – is joint and several with all other persons convicted of the crimes which gave rise to the restitution order including, but not limited to, Sheldon Hylton (Criminal No. 11-477-02).

It is recommended that defendant pay his restitution while in custody pursuant to the

Bureau of Prisons Inmate Financial Responsibility Program provided, however, that defendant shall pay the restitution in quarterly installments of not less than \$25.00 out of his prison earnings, unless his prison earnings after payment of the special assessment are less than \$25.00 a quarter, in which event, the quarterly installment shall be the amount of his prison earnings. Beginning thirty (30) days after defendant is released from custody, defendant shall pay the balance due on his restitution obligation in monthly installments of not less than \$25.00 while defendant is employed.

The Court finds that defendant has sufficient assets, income and income earning potential to warrant imposition of the restitution order and payment schedule, taking into account his expenditures for food, clothing, shelter and other necessities for himself and his family.

BY THE COURT:

s/ Jan E. DuBois

DuBOIS, JAN E., J.